

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 3. DEPARTMENT OF AGRICULTURE ENVIRONMENTAL SERVICES DIVISION

[R07-24]

PREAMBLE

1. Sections Affected

R3-3-102	
Table 1	Amend
R3-3-1101	Amend
R3-3-1102	Amend
R3-3-1103	Amend
R3-3-1104	Amend
R3-3-1105	Amend
R3-3-1106	Amend
R3-3-1107	Amend
R3-3-1108	Amend
R3-3-1109	Amend
R3-3-1110	Amend
R3-3-1111	Repeal
Appendix A.	Amend

Rulemaking Action

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 3-107(A)(1); 41-1073

Implementing statute: A.R.S. §§ 3-903(B); 3-904(C); 3-905(C); 3-906(D); 3-908(E); 3-910(B); 3-911(C); 3-912

3. A list of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 13 A.A.R. 452, February 16, 2007 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Jack Peterson, Associate Director of Environmental Services Division

Address: Arizona Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007

Telephone: (602) 542-3575

Fax: (602) 542-0466

E-mail: jpetsone@azda.gov

5. An explanation of the rules, including the agency's reasons for initiating the rules:

This rulemaking clarifies requirements under Native Plant provisions of the Environmental Services Division.

It updates scientific names, definitions and makes the rules in-line with today's current practices. The legislature annually appropriates funding for this program from the Native Plant fund which is categorized as an "other" appropriated fund. Although the appropriation amount has not increased, the amount of money in this fund has dropped

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significantly to the point of having to make precision payments of expenses to coincide with when adequate deposits have been made. This rulemaking slightly increases the fees; the regulated community is in support of this increase.

In addition, the rulemaking simplifies and clarifies the permitting process. This allows for the movement of smaller plants which routinely would be bulldozed over, to save them from destruction. The time-frames associated with permitting have also been changed to be consistent between types of permits. In most cases these times have been reduced, which reflects the current practice of the Department staff responding quickly to permit requests.

Furthermore, non-commercial native plant permits have been defined, which should also help to conserve the number of native plants. A simplified process has been introduced with this rulemaking for situations where a person may want to donate protected native plants.

The language has also been updated to conform to rulemaking format and style requirements of the Council and the Office of the Secretary of State.

- 6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business, and consumer impact:**

A. *The Arizona Department of Agriculture.*

The Department will incur modest expenses related to training staff and educating the regulated community on the amendment.

B. *Political Subdivision.*

Other than the Department, no political subdivision is affected by this rulemaking.

C. *Businesses Directly Affected By the Rulemaking.*

The regulated community will incur a slight increase in fees. Additionally, native plant licensees will need to become aware of the recodification and subsequent movement of the related licensing time-frames from the Plant Services Division to the Environmental Services Division.

- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Jack Peterson, Associate Director of Environmental Services Division

Address: Arizona Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007

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- 10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

An oral proceeding is not scheduled for this proposed rulemaking. To request an oral proceeding or to submit comments, please contact the rules analyst listed in item #4 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except legal holidays. If a request for an oral proceeding is not made, the public record in this rulemaking will close at 5:00 p.m. on February 20th, 2007.

- 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

- 12. Incorporations by reference and their location in the rules:**

None

- 13. The full text of the rules follows:**

TITLE 3. AGRICULTURE

**CHAPTER 3. DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL SERVICES DIVISION**

ARTICLE 1. GENERAL PROVISIONS

Section

R3-3-102. Licensing Time-frames

Table 1. Time-frames (Calendar Days)

ARTICLE 11. ARIZONA NATIVE PLANTS

Section

R3-3-1101. Definitions

R3-3-1102. Protected Native Plant Destruction by a Private Landowner

R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency

R3-3-1104. Protected Native Plant Permits; Tags; Seals; Fees

R3-3-1105. Scientific Permits; Noncommercial Native Plant Permits

R3-3-1106. Protected Native Plant Surveys; Fee

R3-3-1107. Movement Permit; Tags, ~~Metal~~ Seals; and Cord Use

R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants

R3-3-1109. Arizona Native Plant Law Education

R3-3-1110. Permit Denial, ~~Revocation~~, and Suspension

R3-3-1111. Confiscation of Plants, Plant Parts, Wood, Fiber, or Artifacts as Evidence

Appendix A. Protected Native Plants By Categories Category

ARTICLE 1. GENERAL PROVISIONS

R3-3-102. Licensing Time-frames

A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.

B. Administrative completeness review.

1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of missing information to the applicant until the date the Department receives the information.
3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.

C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.

1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.
2. The Department shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

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Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Regulated Grower Permit	A.R.S. § 3-363	14	14	56	14	70
Seller Permit	A.R.S. § 3-363	14	14	56	14	70
Agricultural Aircraft Pilot License	A.R.S. § 3-363	14	14	56	14	70
Custom Applicator License	A.R.S. § 3-363	14	14	63	14	77
Application Equipment Tag	A.R.S. § 3-363	14	14	56	14	70
Agricultural Pest Control Advisor (PCA) License	A.R.S. § 3-363	14	14	63	14	77
Commercial Applicator Certification	A.R.S. § 3-363	14	14	63	14	77
Private Applicator Certification	A.R.S. § 3-363	14	14	63	14	77
Private Fumigation Certification	A.R.S. § 3-363	14	14	63	14	77
Experimental Use Permit	A.R.S. § 3-350.01	14	14	28	14	42
Pesticide Registration	A.R.S. § 3-351	14	14	-91	14	105
License to Manufacture or Distribute Commercial Feed	A.R.S. § 3-2609	14	14	42	14	56
Commercial Fertilizer License Specialty Fertilizer Registration	A.R.S. § 3-272	14 14	14 14	42 56	14 14	56 70
Agricultural Safety Trainer Certification	A.R.S. § 3-3125	28	14	28	14	56
ARIZONA NATIVE PLANTS						
Notice of Intent Confirmation Notice of Intent	A.R.S. § 3-904	7 <u>14</u>	14	7 <u>14</u>	14	14 <u>28</u>
• Salvage Assessed Native Plant Permits • Salvage Restricted Native Plant Permits • Scientific Permits	A.R.S. § 3-906	§ <u>14</u> § <u>14</u> 14	14 14 14	§ <u>14</u> § <u>14</u> 14	14 14 14	10 <u>28</u> 10 <u>28</u> 28
Movement Permits	A.R.S. § 3-906	§ <u>14</u>	14	§ <u>14</u>	14	10 <u>28</u>
Annual Permits for Harvest-Restricted Native Plants	A.R.S. § 3-907	§ <u>14</u>	14	§ <u>14</u>	14	10 <u>28</u>

ARTICLE 11. ARIZONA NATIVE PLANTS

R3-3-1101. Definitions

In addition to the definitions provided in A.R.S. § 3-901, the following terms apply to this Article:

- 1. “Agent” means a person authorized to manage, represent, and act for a landowner.
- 2. “Certificate of inspection for interstate shipments” means a certificate to transport protected native plants out of the state.
- 3. “Conservation” means to prevent exploitation, destruction or neglect of native plants while helping to ensure continued public use through donation.
- 4. “Cord” means a specific type string or small rope issued by the Department for attaching tags and seals to protected native plants.
- 5. “Cord of wood” means a measurement of firewood equal to 128 cubic feet.
- 6. “Department” means the Arizona Department of Agriculture.

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3. "Destroy" means to cause the death of any protected native plant.

"Harvest restricted permit" means a permit is required to remove a native plant or the by-product, fiber, or woody part from a plant listed in Appendix A, subsection (D).

"Highly safeguarded permit" means commercial collection is not allowed for those native plants listed in Appendix A, subsection (A).

4. "Landowner" means a person who holds title to a parcel of land.

"Noncommercial Native Plant permit" means a permit is required to allow the removal of a highly safeguarded native plant.

5. "Original growing site" means a place where a plant is growing wild and is rooted to the ground or any property owned by the same landowner where a protected native plant is relocated or transplanted without an original transportation permit.

6. "Permittee" means any person who is issued a valid permit by the Department for removing and transporting protected native plants.

7. "Pineushion" means any coryphantha or mammillaria Coryphantha spp. or Mammillaria spp. caetus and for purposes of assessing tag fees in R3-3-1104(D)(E) includes any protected plant 8 inches in height or less.

8. "Protected native plant" means any living plant or plant part listed in Appendix A and growing wild in Arizona.

"Protected native non-saguaro plant tag" means a tag issued by the Department to identify the lawful removal of a protected native plant other than a saguaro cactus from its original growing site.

12. "White Saguaro tag" means a white tag issued by the Department to identify any a saguaro cactus being lawfully moved from its original growing site.

"Salvage assessed permit" means a permit is required to remove a native plant listed in Appendix A, subsection (C).

"Salvage restricted permit" means a permit is required to remove a native plant listed in Appendix A, subsection (B).

9. "Scientific collection permit" means a permit is required to remove a native plant for a controlled experimental project of protected native plants conducted by a qualified individuals person.

10. "Securely affixed tied" means to fasten in a tight and secure manner to prevent the removal of tags, seals, or cord for reuse.

"Small Native Plant" means any protected plant 8 inches in height or less for purposes of assessing tag fees in R3-3-1104(E).

11. "Survey" means the process by which a parcel of land is examined for the presence of protected native plants. a. A simple survey determines only whether protected native plants are present. b. A complete survey establishes the kind and number of each species present.

13. "Yellow tag" means a yellow tag issued by the Department to identify any protected native plant, except a saguaro caetus, being moved from its original growing site.

"Wood receipt" means a receipt issued by the Department to identify the lawful removal of a protected native plant harvested for fuel, being removed from its original growing site.

R3-3-1102. Protected Native Plant Destruction by a Private Landowner

A. Department notification Notice of intent

1. Before any a protected native plant is destroyed, the private landowner shall submit provide the following information to the Department on a Notice of Intent form obtained from the Department:

- a. The name Name, address, and telephone number of the landowner;
- b. The name Name, address, and telephone number of the landowner's agent, if the landowner is not a resident of this state or is otherwise unavailable applicable;
- c. The most recent tax parcel Parcel identification number, or other a current tax assessment, or other valid document indicating land ownership;
- d. A legal Legal description, assessor's parcel number, map, address, or other description of the area, including the number of acres to be cleared, in which the protected native plants subject to the destruction are located;
- e. The earliest Earliest date of the plant destruction; and
- f. The landowner's intentions Landowner's intent for the disposal or salvage of protected native plants on the private land.

2. A landowner who will intending to destroy protected native plants over on an area of less than one acre may orally submit the information required in subsection (A)(1) to the Department verbally.

B. A landowner shall not destroy any a protected native plants until:

1. a Receiving written confirmation notice is received from the Department, and

2. ~~the time prescribed under A.R.S. § 3-904(A)(3) has elapsed. Notice is given to the Department in compliance with the following minimum time periods:~~
 - a. ~~Twenty days before the plants are destroyed over an area of less than one acre.~~
 - b. ~~Thirty days before the plants are destroyed over an area of one acre or more but less than 10 acres.~~
 - c. ~~Forty-five days before the plants are destroyed over an area of 10 acres or more but less than forty acres.~~
 - d. ~~Sixty days before the plants are destroyed over an area of forty acres or more.~~
- C. ~~Any~~ The Department shall provide a salvage operator or other interested person ~~may obtain with notice of protected native plant destruction notice information land clearing notification opportunities by providing that upon receipt of the person's name, address, and telephone number, and payment of an annual non refundable \$25.00 nonrefundable \$25 fee.~~

R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency

A state agency ~~intending to remove or destroy protected native plants~~ shall notify the Department, under A.R.S. § 3-905, and ~~may dispose of protected native plants using any of the following methods: shall propose a method of disposal from the following list:~~

1. The plants may be sold at a public auction;
2. The plants may be relocated or transported to a different location on the same property or to another property owned by the state, ~~without obtaining a permit~~;
3. ~~The state agency may obtain permits for removal of the plants for revegetation projects;~~
- 4.~~3.~~ The plants may be donated to scientific, educational, and charitable institutions; ~~nonprofit organizations as provided in A.R.S. § 3-916;~~
- 5.~~4.~~ The plants may be donated to ~~other~~ ~~another~~ state agencies ~~agency~~ or political subdivisions ~~subdivision~~, without ~~obtaining a permit~~; or
- 6.~~5.~~ The plants may be salvaged ~~or harvested~~ by ~~the~~ ~~a member of the~~ general public or a commercial dealers, if the person ~~holds a permit as provided under A.R.S. §§ 3-906 or 3-907; and~~
6. ~~If the plants are highly safeguarded, they shall first be made available to the holder of a scientific permit or a noncommercial salvage permit.~~

R3-3-1104. Protected Native Plant Permits; Tags; Seals; Fees

- A. A person shall not collect, transport, possess, sell, offer for sale, dispose, or salvage protected native plants unless that person is 18 years of age or older and ~~holds~~ possesses an appropriate permit.
- B. ~~A permit~~ An applicant shall submit the following information to the Department ~~on a form obtained from the Department, as, if applicable:~~
 1. ~~The name~~ Name, business name, address, telephone number, social security number ~~or tax identification number~~, and signature of the applicant;
 2. ~~The name~~ Name and number of plants to be removed;
 3. ~~The purpose~~ Purpose of the plant removal;
 4. Whether the applicant has a conviction of a state or federal statute regarding the protection of native plants within the previous five years;
 5. Except for salvage assessed native plants;
 - a. ~~The name~~, ~~Name~~, address, telephone number, and signature of the landowner;
 - b. ~~The location~~ Location of the permitted site and size of acreage;
 - c. ~~The destination~~ Destination address where the plants will be transplanted;
 - d. ~~The legal~~ Legal and physical description of the location of the original growing site; and
 - e. ~~The more recent tax parcel~~ Parcel identification number ~~available~~ for the permitted site, or other ~~tax assessment~~ documents ~~indicating~~ proving land ownership.
- C. ~~Saguaro tags identify any saguaro cactus that will be moved from locations that are not original growing sites.~~
 1. ~~Any person moving a saguaro cactus above four feet previously transplanted from its original growing site in Arizona and transplanting it to another location shall apply to the Department for a permit.~~
 2. ~~The landowner from where the saguaro cactus is being moved shall provide the information in Subpart B on the permit application.~~
 3. ~~Subpart C does not apply if the applicant maintains a record of the original transportation permit or is able to verify the original movement with the Department.~~

C.D. Permit fees.

1. ~~Any~~ A person removing and transporting protected native plants shall submit the following applicable fee to the Department with the permit application:
 - a. Salvage assessed native plant permit, annual use, \$25.00 \$35;
 - b. Harvest restricted native plant permit, annual use, \$25.00 \$35;
 - c. All other native plant permits, one-time use, \$5.00 \$7;
 - d. Certificate of inspection for interstate shipments, \$15.

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2. Exemptions. The following protected native plants are exempt from fees if:
 - a. The protected native plants intended for personal use by a landowner are taken from one piece of land owned by the landowner to another piece of land also owned by the landowner, remain on the property of the landowner, and are not sold or offered for sale;
 - b. The protected native plants are collected for scientific purposes; or
 - c. A landowner donates the protected native plant to a scientific, educational, or charitable institution.

D.E. Tag fees.

1. Any person obtaining a white saguaro tag or yellow other protected native plant tag shall submit the following applicable fee to the Department at the time ~~the~~ a tag is obtained:
 - a. Saguaro, ~~\$6.00~~ \$8 per plant;
 - b. Trees cut for firewood and listed in the harvest restricted category, ~~\$4.00~~ \$6 per cord of wood;
 - c. Pineus, Small native plant, \$.50 per plant;
 - d. All Any other protected native plants plant referenced in A.R.S. § 3-903(B) and (C) and listed in Appendix A, ~~\$4.00~~ \$6 per plant.
2. Harvested restricted native plants, of nolina and or yucca parts is ~~\$4.00~~ \$6 per ton. Payment shall be made to the Department in the following manner:
 - a. Unprocessed nolina or yucca fiber shall be weighed on a state-certified bonded scale; and
 - b. The harvester shall submit payment and weight certificates to the Department no later than the 10th day of the month following each harvest.

E.F. Seal fees. A person obtaining a seal shall submit a \$.15 per plant fee to the Department at the time a seal is obtained.

G. Salvage assessed permits and plant tags are valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.

R3-3-1105. Scientific Permits: Noncommercial Native Plant Permits

A. Scientific Permit

1. A person shall not collect any highly safeguarded or other protected native plants for a research projects project unless that person holds a scientific permit.

B.2. A permit An applicant shall submit the following information to the Department: on a form obtained from the Department:

- 1.a. The name, Name, address, and telephone number of the company or research facility applying for the permit;
- 2.b. The name Name, and title and experience of the person conducting the research project;
- 3.c. The purpose Purpose and intent of the research project;
4. The results of the research, whether the results will be published, and the media used to publish the results;
- 5.d. The controls Controls to be used;
- 6.e. The variables Variables considered;
- 7.f. The length of time Time-frame for the project will take;
- 8.g. The expected Anticipated results and projected publication media;
- 9.h. Reports The type of reports and recordkeeping used to monitor the project;
- 10.i. Project funding source: The type of funding that will be used;
- 11.j. Funding The funding of the company or research facility;
- 12.k. Written authorization from the landowner The written approval for collection of the plants from the legal owner;
- 13.l. Date The date of the application; and
- 14.m. Signed affirmation by the applicant The signature of the person authorized on behalf of the company or research facility affirming that the plants collected will not be sold or used for personal interests; and
- n. Tax-ID Number or social security number if applicant is an individual.

C.3. Scientific research permits A scientific permit shall be issued if all of the following conditions are met:

- 1.a. The native plant removal site is restored to a natural appearance and the site restoration is approved by the site owner; A plan is presented to the Department, pre-approved by the landowner, to restore the removal site to a natural appearance;
- 2.b. The removal and movement of the native plants are shall be accomplished by a person equipped and experienced in native plant removal and transplantation;
- 3.c. The native plants used in the project are shall remain accessible to the scientific community and state and local regulatory agencies Department;
- 4.d. The ecology of the project site is beneficial to the growth of the specific plants in the project if practical;
- 5.e. Arrangements are made exist for a suitable permanent planting site for the surviving plants after the project's completion; and
- 6.f. Security is provided at the project site to prevent the destruction or theft of native plants used in the research. Description of plant disposition and research conclusion;

D.4. Scientific permits A scientific permit is valid for the calendar year in which they are it is issued.

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B. Noncommercial native plant permit:

1. Highly safeguarded native plants may only be collected for conservation by a person holding a noncommercial salvage permit.
2. An applicant shall submit the following information to the Department, on a form obtained from the Department:
 - a. Name, address, and telephone number of the applicant applying for the permit;
 - b. Proposed relocation site for the plants;
 - c. Written authorization from the landowner for collection of the plants;
 - d. Date of the application; and
 - e. Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests.
3. A noncommercial salvage permit shall be issued if all of the following conditions are met through provided documentation to the Department:
 - a. The native plants used in the project shall be accessible to the Department after transplant;
 - b. The relocation site is beneficial to the growth of the specific plants in the project; and
4. A noncommercial salvage permit is valid only for the transportation and the transplantation of the particular native plant.

R3-3-1106. Protected Native Plant Surveys; Fee

- A.** Except for permits issued for salvage assessed native plants, any person harvesting protected native plants shall conduct a survey and provide a written report to the Director of the plant survey results before a permit is issued.
- B.** The landowner, permittee, or agent may conduct the survey or request that the survey be conducted by the Department.
1. If the landowner, permittee, or agent conducts the survey, the following information shall be completed on a survey form furnished by the Department:
 - a. The name, address, telephone number, and signature of the landowner, permittee, or agent performing the survey;
 - b. The date the survey is performed;
 - c. The survey results including the names and numbers of plants.
 2. A. At the request of any person, If the Department may conducts the a native plant survey, the survey shall be completed within 20 working days. Upon completion, the Department shall notify the landowner, permittee applicant, or agent of:
 - a.1. The date the survey was performed;
 - b.2. The amount of the survey fee payable to the Department;
 - c.3. The name of Department personnel performing the survey;
 - d.4. Upon payment, the The survey results including the names and numbers of protected native plants.
- C.B.** The following fees for a Department-conducted survey shall be paid to the Department within 30 days from the date of the notification:-
1. Simple survey, no fee; or
 2. Complete survey, includes time and travel, as prescribed under A.R.S. §§ 38-611(BA) and 38-623(C) and (D).

R3-3-1107. Movement Permits; Tags, Metal Seals, and Cord Use

- A.** Any person moving a protected native plant, except a saguaro cactus, previously transplanted from its original growing site in Arizona and transplanting it to another location shall may apply to the Department for a Movement Permit. The landowner from where the plant is being moved shall provide the following information on the permit application:
1. The name, telephone number, and signature of the landowner;
 2. The location of the plant;
 3. The name, address, and telephone number of the receiver;
 4. The name, address, and telephone number of the carrier;
 5. The number, species, and description of the plant being removed;
 6. The tax parcel identification number; and
 7. The date of the application.
- B.** Any person moving a saguaro cactus above four feet previously transplanted from its original growing site in Arizona and transplanting it to another location shall apply to the Department for a Movement Permit. The landowner from where the saguaro cactus is being moved shall provide the following information on the permit application, unless the applicant maintains a record of the original permit or is able to verify the original movement with the Department.
1. The name, telephone number, and signature of the landowner;
 2. The address where the saguaro cactus is located;
 3. The name, address, and telephone number of the receiver;
 4. The name, address, and telephone number of the carrier;
 5. The number, species, and description of the plant being removed;
 6. The tax parcel identification number of the property where the saguaro cactus is being moved; and

7. The date of the application.

B.C. Movement of protected native plants obtained outside Arizona.

1. Any person moving a protected native plant obtained outside Arizona and transporting and planting it within the state shall declare the protected native plant at the agricultural inspection station nearest the port of entry. The Department shall place the protected native plant under "Warning Hold" to the nearest ~~district permitting~~ office.
2. If ~~no~~ ~~an~~ agricultural station is not in operation at the port of entry, the person shall declare the protected native plant at the nearest ~~district permitting~~ office ~~during normal office hours~~.
3. After the plants have been declared, the ~~district permitting~~ office shall issue a Movement Permit and ~~a green~~ seal.

C.D. Any person moving protected native plants shall obtain, ~~at least~~, the following ~~metal~~ seals or tags from the Department and securely attach the appropriate seal to each protected native plant:

1. ~~Blue~~ Protected native plant seals identify protected native plants, except saguaro cacti, that will be moved from locations that are not the original growing sites.
2. ~~White~~ seals identify the proteeted saguaro caetus.
3. ~~2.~~ ~~Green Imported~~ seals identify all imported protected native plants.
4. ~~Yellow seals identify all protected native plants, except imported protected native plants and the protected saguare eaetus.~~

D.E. Tag, ~~metal~~ seal, and cord attachment.

1. ~~A tag shall be attached~~ ~~A permittee shall attach a tag~~ to each protected native plant taken from its original growing site, using cord provided by the Department, before ~~being transported~~. No other type of rope, string, twine, or wire is allowed.
2. The cord shall be securely ~~affixed~~ ~~tied~~ around the plant, and ~~knotted~~ ~~with~~ the tag attached so that it cannot be removed without breaking the seal or cutting the cord.
3. ~~The tag shall be placed directly over the knot and the ends pressed firmly together sealing the knot so that it cannot be removed for reuse.~~
- 3.4. The ~~metal~~ Protected native plant seal shall be placed directly over the knot and snapped firmly closed, sealing the knot.
5. ~~The imported seal shall be attached directly to the plant.~~
- 4.6. Upon loading the plant, every effort shall be made to ~~make~~ allow visibility of the tag ~~visible~~ during ~~transporting~~ ~~trans-~~
~~port~~.

R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants

A. Harvest restricted native plants.

1. ~~Unprocessed nolina and yucca fiber shall be weighed at a state certified bonded scale;~~
2. ~~The harvester shall submit payment and weigh certificates to the Department no later than the 10th day of the month following each harvest.~~

B. Recordkeeping.

~~+A.~~ Salvage Assessed Native Plants.

- a.1. A permittee shall maintain a record of each protected native plant removed under an annual permit for two years from the date of each transaction and allow Department inspection of the records during normal business hours. The transaction record shall include the date salvage restricted protected native plants were removed, and the permit and tag numbers.
- b.2. ~~Annually, by Before January 31, the~~ ~~a~~ permittee shall submit to the Department a copy of each transaction record for the prior calendar year.

2. ~~B.~~ Harvest Restricted Native Plants. ~~No later than the 10th day of each month, a~~ ~~A~~ permittee shall submit ~~to the Department by the 10th day of each month~~ the transaction records for transactions that took place the previous month, or a written statement that no transaction was conducted for that month.

R3-3-1109. Arizona Native Plant Law Education

A. Seminars ~~The Department may schedule seminars~~ and training courses ~~shall be sechedule~~ on an as-needed basis.

B. In addition to the following fees, charges for printed materials or pamphlets shall be assessed based upon ~~the document~~ printing and mailing costs:

1. ~~Any A~~ person attending a seminar or training course ~~in on~~ Arizona native plant law shall pay a nonrefundable fee of \$5.00 ~~\$10~~ to the Department before ~~attending~~ the class.
2. ~~Any A~~ person convicted of violating ~~the~~ Arizona native plant ~~statutes or rules~~ laws and ordered by a court to attend a native plant ~~law~~ educational class shall pay a nonrefundable fee of \$15.00 ~~\$25~~ to the Department before ~~attending~~ the class. ~~The Department shall provide written confirmation of satisfactory completion to a person ordered by a court to attend a class.~~
3. Schools, law enforcement agencies, and government entities are exempt from seminar and training course fees.

C. ~~The Department shall provide written confirmation of satisfactory completion to any person ordered by a court to attend~~

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the class.

R3-3-1110. Permit Denial, Revocation, and Suspension

- A. In addition to the prohibited acts listed in A.R.S. § 3-908(A), the Director may deny, revoke, or suspend a permit for any of the following:
1. A violation of 3 A.R.S. 7; 3 A.A.C. 3, Article 11; or any federal native plant law;
 2. Misuse of a permit, tag, or metal seal;
 3. Failure of an applicant or permittee to submit a complete and accurate permit application or a transaction report; and
 4. Failure to allow the Department to inspect transaction records.
- B. Upon notice of denial of a permit, an applicant or permittee may request, in writing, that the Department provide an administrative hearing under 41 A.R.S. Title 41, Chapter 6, Article 10, to appeal any denial, revocation, or suspension of a permit.

R3-3-1111. Confiscation of Plants, Plant Parts, Wood, Fiber, or Artifacts as Evidence

- A. Following any determination by a court or the Department that a native plant law has been violated, all protected native plants, plant parts, wood, fiber, or artifacts confiscated and held as evidence shall become the property of the state, unless the court or the Department orders otherwise.
- B. All confiscated evidence that becomes the property of the state shall be disposed of by the Department.

Appendix A. Protected Native Plants By Categories Category

- A. Highly Safeguarded Protected Native Plants. The following list includes those species of native plants and parts of plants, including the seeds and fruit, whose prospects for survival in Arizona are in jeopardy or which are in danger of extinction. Highly safeguarded native plants as prescribed in A.R.S. § 3-903(B)(1), for which commercial collection is not allowed except as provided in R3-3-1105(B)(1):

AGAVACEAE Agave Family (including Nolinaceae)

- Agave arizonica* Gentry & Weber—Arizona agave
Agave delamateri Hodgson & Sluson
Agave murpheyi Gibson—Hohokam agave
Agave parviflora Torr.—Santa Cruz striped agave, Small-flowered agave
Agave phillipsiana Hodgson
Agave schottii Engelm. var. *treleasei* (Toumey) Kearney & Peebles

APIACEAE Parsley Family. [= Umbelliferae]

- Lilaeopsis schaffneriana* (Schlecht.) Coulter & Rose ssp. *recurva* (A. W. Hill) Affolter—Cienega false rush, Huachuca water umbel.
Syn.: *Lilaeopsis recurva* A. W. Hill

APOCYNACEAE Dogbane Family

- Amsonia kearneyana* Woods.—Kearney's bluestar
Cycladenia humilis Benth. var. *jonesii* (Eastw.) Welsh & Atwood—Jones' cycladenia

ASCLEPIADACEAE Milkweed Family

- Asclepias welshii* N. & P. Holmgren—Welsh's milkweed

ASTERACEAE Sunflower Family [= Compositae]

- Erigeron lemmonii* Gray—Lemmon fleabane
Erigeron rhizomatus Cronquist—Zuni fleabane
Senecio franciscanus Greene—San Francisco Peaks groundsel
Senecio huachucanus Gray—Huachuca groundsel

BURSERACEAE Torch Wood Family

- Bursera fagaroides* (H.B.K.) Engler—Fragrant bursera

CACTACEAE Cactus Family

- Carnegiea gigantea* (Engelm.) Britt. & Rose—Saguaro: ‘Crested’ or ‘Fan-top’ form only
Syn.: *Cereus giganteus* Engelm.
Coryphantha recurvata (Engelm.) Britt. & Rose—Golden-chested beehive cactus
Syn.: *Mammillaria recurvata* Engelm.

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Coryphantha robbinsorum (W. H. Earle) A. Zimmerman—Cochise pincushion cactus, Robbin's cory cactus.
Syn.: *Cochiseia robbinsorum* W.H. Earle

Coryphantha scheeri (Kuntze) L. Benson var. *robustispina* (Schott) L. Benson—Scheer's strong-spined cory cactus.

Syn.: *Mammillaria robustispina* Schott

Echinocactus horizonthalonius Lemaire var. *nicholii* L. Benson—Nichol's Turk's head cactus

Echinocereus triglochidiatus Engelm. var. *arizonicus* (Rose ex Orcutt) L. Benson—Arizona hedgehog cactus

Echinomastus erectocentrus (Coul.) Britt. & Rose var. *acunensis* (W.T. Marshall) L.Benson—Acuna cactus
Syn.: *Neolloydia erectocentra* (Coul.) L. Benson var. *acunensis* (W. T. Marshall) L. Benson

Pediocactus bradyi L. Benson—Brady's pincushion cactus

Pediocactus paradinei B. W. Benson—Paradine plains cactus

Pediocactus peeblesianus (Croizat) L. Benson var. *fickeiseniae* L. Benson

Pediocactus peeblesianus (Croizat) L. Benson var. *peeblesianus* Peebles' Navajo cactus, Navajo plains cactus
Syn.: *Navajoa peeblesiana* Croizat

Pediocactus sileri (Engelm.) L. Benson—Siler pincushion cactus

Syn.: *Utahia sileri* (Engelm.) Britt. & Rose

COCHLOSPERMACEAE Cochlospermum Family

Amoreuxia gonzalezii Sprague & Riley

CYPERACEAE Sedge Family

Carex specuicola J. T. Howell—Navajo sedge

FABACEAE Pea Family [=Leguminosae]

Astragalus cremnophylax Barneby var. *cremnophylax* Sentry milk vetch

Astragalus holmgreniorum Barneby—Holmgren milk-vetch

Dalea tentaculoides Gentry—Gentry indigo bush

LENNOACEAE Lennoa Family

Pholisma arenarium Nutt.—Scaly-stemmed sand plant

Pholisma sonorae (Torr. ex Gray) Yatskiewych— Sandfood, sandroot

Syn.: *Ammobroma sonorae* Torr. ex Gray

LILIACEAE Lily Family

Allium gooddingii Ownbey—Goodding's onion

ORCHIDACEAE Orchid Family

Cypripedium calceolus L. var. *pubescens* (Willd.) Correll—Yellow lady's slipper

Hexalectris warnockii Ames & Correll—Texas purple spike

Spiranthes delitescens C. Sheviak

POACEAE Grass Family [=Gramineae]

Puccinellia parishii A.S. Hitchc.—Parish alkali grass

POLYGONACEAE Buckwheat Family

Rumex orthoneurus Rech. f.

PSILOTACEAE Psilotum Family

Psilotum nudum (L.) Beauv. Bush Moss, Whisk Fern

RANUNCULACEAE Buttercup Family

Cimicifuga arizonica Wats.—Arizona bugbane

Clematis hirsutissima Pursh var. *arizonica* (Heller) Erickson—Arizona leatherflower

ROSACEAE Rose Family

Purshia subintegra (Kearney) J. Hendrickson—Arizona cliffrose, Burro Creek cliffrose

Syn.: *Cowania subintegra* Kearney

SALICACEAE Willow Family

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Salix arizonica Dorn—Arizona willow

SCROPHULARIACEAE Figwort Family

Penstemon discolor Keck—Variegated beardtongue

- B. ~~Salvage Restricted Protected Native Plants. The following list includes those species of native plants that are not included in the highly safeguarded category but are subject to damage by theft or vandalism. Salvage restricted native plants as Precepted in A.R.S. § 3-903(B)(2) that require a permit for removal.~~ In addition to the plants listed under Agavaceae, Cactaceae, Liliaceae, and Orchidaceae, all other species in these families are salvage restricted protected native plants:

AGAVACEAE Agave Family (including Nolinaceae)

Agave chrysanthra Peebles

Agave deserti Engelm. ssp. *simplex* Gentry—Desert agave

Agave mckelveyana Gentry

Agave palmeri Engelm.

Agave parryi Engelm. var. *couseii* (Engelm. ex Trel.) Kearney & Peebles

Agave parryi Engelm. var. *huachucensis* (Baker) Little ex L. Benson

Syn.: *Agave huachucensis* Baker

Agave parryi Engelm. var. *parryi*

Agave schottii Engelm. var. *schottii* – Shindigger

Agave toumeyana Trel. ssp. *bella* (Breitung) Gentry

Agave toumeyana Trel. ssp. *toumeyana*

Agave utahensis Engelm. spp. *kaibabensis* (McKelvey) Gentry

Syn.: *Agave kaibabensis* McKelvey

Agave utahensis Engelm. var. *utahensis*

Dasyliion wheeleri Wats.—Sotol, desert spoon

Nolina bigelovii (Torr.) Wats.—Bigelow's nolina

Nolina microcarpa Wats.—Beargrass, sacahuista

Nolina parryi Wats.—Parry's nolina

Nolina texana Wats. var. *compacta* (Trel.) Johnst.—Bunchgrass

Yucca angustissima Engelm. var. *angustissima*

Yucca angustissima Engelm. var. *kanabensis* (McKelvey) Reveal

Syn.: *Yucca kanabensis* McKelvey

Yucca arizonica McKelvey

Yucca baccata Torr. var. *baccata*—Banana yucca

Yucca baccata Torr. var. *vespertina* McKelvey

Yucca baileyi Woot. & Standl. var. *intermedia* (McKelvey) Reveal

Syn.: *Yucca navajoa* Webber

Yucca brevifolia Engelm. var. *brevifolia*—Joshua tree

Yucca brevifolia Engelm. var. *jaegeriana* McKelvey

Yucca elata Engelm. var. *elata*—Soaptree yucca, palmilla

Yucca elata Engelm. var. *utahensis* (McKelvey) Reveal

Syn.: *Yucca utahensis* McKelvey

Yucca elata Engelm. var. *verdiensis* (McKelvey) Reveal

Syn.: *Yucca verdiensis* McKelvey

Yucca harrimaniae Trel.

Yucca schidigera Roezl.—Mohave yucca, Spanish dagger

Yucca schottii Engelm.—Hairy yucca

Yucca thornberi McKelvey

Yucca whipplei Torr. var. *whipplei*—Our Lord's candle

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Syn.: *Yucca newberryi* McKelvey

AMARYLLIDACEAE Amaryllis Family

Zephyranthes longifolia Hemsl.–Plains Rain Lily

ANACARDIACEAE Sumac Family

Rhus kearneyi Barkley–Kearney Sumac

ARECACEAE Palm Family [=Palmae]

Washingtonia filifera (Linden ex Andre) H. Wendl– California fan palm

ASTERACEAE Sunflower Family [=Compositae]

Cirsium parryi (Gray) Petrak ssp. *mogollonicum* Schaak

Cirsium virginensis Welsh–Virgin thistle

Erigeron kuschei Eastw.–Chiricahua fleabane

Erigeron piscaticus Nesom–Fish Creek fleabane

Flaveria macdougalii Theroux, Pinkava & Keil

Perityle ajoensis Todson–Ajo rock daisy

Perityle cochisensis (Niles) Powell–Chiricahua rock daisy

Senecio quaerens Greene–Gila groundsel

BURSERACEAE Torch-Wood Family

Bursera microphylla Gray–Elephant tree, torote

CACTACEAE Cactus Family

Carnegiea gigantea (Engelm.) Britt. & Rose– Saguaro

Syn.: *Cereus giganteus* Engelm.

Coryphantha missouriensis (Sweet) Britt. & Rose

Coryphantha missouriensis (Sweet) Britt. & Rose var. *marstonii* (Clover) L. Benson

Coryphantha scheeri (Kuntze) L. Benson var. *valida* (Engelm.) L. Benson

Coryphantha strobiliformis (Poselger) var. *orcuttii* (Rose) L. Benson

Coryphantha strobiliformis (Poselger) var. *strobiliformis*

Coryphantha vivipara (Nutt.) Britt. & Rose var. *alversonii* (Coul.) L. Benson

Coryphantha vivipara (Nutt.) Britt. & Rose var. *arizonica* (Engelm.) W. T. Marshall

Syn.: *Mammillaria arizonica* Engelm.

Coryphantha vivipara (Nutt.) Britt. & Rose var. *bisbeeana* (Orcutt) L. Benson

Coryphantha vivipara (Nutt.) Britt. & Rose var. *deserti* (Engelm.) W. T. Marshall

Syn.: *Mammillaria chlorantha* Engelm.

Coryphantha vivipara (Nutt.) Britt. & Rose var. *rosea* (Clokey) L. Benson

Echinocactus polycephalus Engelm. & Bigel. var. *polycephalus*

Echinocactus polycephalus Engelm. & Bigel. var. *xeranthemoides* Engelm. ex Coul.

Syn.: *Echinocactus xeranthemoides* Engelm. ex Coul.

Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *acicularis* L. Benson

Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *armatus* L. Benson

Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *chrysocentrus* L. Benson

Echinocereus engelmannii (Parry ex. Engelm.) Lemaire var. *engelmannii*

Echinocereus engelmannii (Parry) Lemaire var. *variegatus* (Engelm.) Engelm. ex Rümpler

Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *fasciculatus*

Syn.: *Echinocereus fendleri* (Engelm.) Rümpler var. *fasciculatus* (Engelm. ex B. D. Jackson) N. P. Taylor,
Echinocereus fendleri (Engelm.) Rümpler var. *robusta* L. Benson; *Mammillaria fasciculata* Engelm.

Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *bonkerae* (Thornber & Bonker) L. Benson.

Syn.: *Echinocereus boyce-thompsonii* Orcutt var. *bonkerae* Peebles; *Echinocereus fendleri* (Engelm.)

Rümpler var. *bonkerae* (Thornber & Bonker) L. Benson

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- Echinocereus fasciculatus* (Engelm. ex B. D. Jackson) L. Benson var. *boyce-thompsonii* (Orcutt) L. Benson
Syn.: *Echinocereus boyce-thompsonii* Orcutt
- Echinocereus fendleri* (Engelm.) Rümpler var. *boyce-thompsonii* (Orcutt) L. Benson
- Echinocereus fendleri* (Engelm.) Rümpler var. *fendleri*
- Echinocereus fendleri* (Engelm.) Rümpler var. *rectispinus* (Peebles) L. Benson
- Echinocereus ledingii* Peebles
- Echinocereus nicholii* (L. Benson) Parfitt.
Syn.: *Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *nicholii* L. Benson
- Echinocereus pectinatus* (Scheidw.) Engelm. var. *dasyacanthus* (Engelm.) N. P. Taylor
Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *neomexicanus* (Coul.) L. Benson
- Echinocereus polyacanthus* Engelm. (1848) var. *polyacanthus*
- Echinocereus pseudopectinatus* (N. P. Taylor) N. P. Taylor
Syn.: *Echinocereus bristolii* W. T. Marshall var. *pseudopectinatus* N. P. Taylor, *Echinocereus pectinatus* (Scheidw.) Engelm. var. *pectinatus sensu* Kearney and Peebles, Arizona Flora, and L. Benson, The Cacti of Arizona and The Cacti of the United States and Canada.
- Echinocereus rigidissimus* (Engelm.) Hort. F. A. Haage.
Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *rigidissimus* (Engelm.) Engelm. ex Rümpler–Rainbow cactus
- Echinocereus triglochidiatus* Engelm. var. *gonacanthus* (Engelm. & Bigel.) Boiss.
- Echinocereus triglochidiatus* Engelm. var. *melanacanthus* (Engelm.) L. Benson
Syn.: *Mammillaria aggregata* Engelm.
- Echinocereus triglochidiatus* Engelm. var. *mojavensis* (Engelm.) L. Benson
- Echinocereus triglochidiatus* Engelm. var. *neomexicanus* (Standl.) Standl. ex W. T. Marshall.
Syn.: *Echinocereus triglochidiatus* Engelm. var. *polyacanthus* (Engelm. 1859 non 1848) L. Benson
- Echinocereus triglochidiatus* Engelm. var. *triglochidiatus*
- Echinomastus erectocentrus* (Coul.) Britt. & Rose var. *erectocentrus*
Syn.: *Neolloydia erectocentra* (Coul.) L. Benson var. *erectocentra*
- Echinomastus intertextus* (Engelm.) Britt. & Rose Syn.: *Neolloydia intertexta* (Engelg.) L. Benson
- Echinomastus johnsonii* (Parry) Baxter–Beehive cactus
Syn.: *Neolloydia johnsonii* (Parry) L. Benson
- Epithelantha micromeris* (Engelm.) Weber ex Britt. & Rose
- Ferocactus cylindraceus* (Engelm.) Orcutt var. *cylindraceus*–Barrel cactus
Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *acanthodes*
- Ferocactus cylindraceus* (Engelm.) Orcutt var. *eastwoodiae* (Engelm.) N. P. Taylor
Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *eastwoodiae* L.
Benson; Ferocactus eastwoodiae (L. Benson) L. Benson
- Ferocactus cylindraceus* (Engelm.) Orcutt var. *lecontei* (Engelm.) H. Bravo
Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *leconti* (Engelm.) Lindsay; *Ferocactus lecontei* (Engelm.) Britt. & Rose
- Ferocactus emoryi* (Engelm.) Orcutt–Barrel cactus
Syn.: *Ferocactus covillei* Britt. & Rose
- Ferocactus wislizenii* (Engelm.) Britt. & Rose–Barrel cactus
- Lophocereus schottii* (Engelm.) Britt. & Rose–Senita
- Mammillaria grahamii* Engelm. var. *grahamii*
- Mammillaria grahamii* Engelm. var. *oliviae* (Orcutt) L. Benson
Syn.: *Mammillaria oliviae* Orcutt
- Mammillaria heyderi* Mühlenpf. var. *heyderi*
Syn.: *Mammillaria gummifera* Engelm. var. *applanata* (Engelm.) Benson
- Mammillaria heyderi* Mühlenpf. var. *macdougalii* (Rose) L. Benson
Syn.: *Mammillaria gummifera* Engelm. var. *macdougalii* (Rose) L. Benson; *Mammillaria macdougalii* Rose

- Mammillaria heyderi* Mühlenpf. var. *meiacantha* (Engelm.) L. Benson
Syn.: *Mammillaria gummifera* Engelm. var. *meiacantha* (Engelm.) L. Benson
- Mammillaria lasiacantha* Engelm.
- Mammillaria mainiae* K. Brand.
- Mammillaria microcarpa* Engelm.
- Mammillaria tetrancistra* Engelm.
- Mammillaria thornberi* Orcutt
- Mammillaria viridiflora* (Britt. & Rose) Bödeker.
Syn.: *Mammillaria orestra* L. Benson
- Mammillaria wrightii* Engelm. var. *wilcoxii* (Toumey ex K. Schumann) W. T. Marshall
Syn.: *Mammillaria wilcoxii* Toumey
- Mammillaria wrightii* Engelm. var. *wrightii*
- Opuntia acanthocarpa* Engelm. & Bigel. var. *acanthocarpa*—Buckhorn cholla
- Opuntia acanthocarpa* Engelm. & Bigel. var. *coloradensis* L. Benson
- Opuntia acanthocarpa* Engelm. & Bigel. var. *major* L. Benson
Syn.: *Opuntia acanthocarpa* Engelm. & Bigel var. *ramosa* Peebles
- Opuntia acanthocarpa* Engelm. & Bigel. var. *thornberi* (Thornber & Bonker) L. Benson
Syn.: *Opuntia thornberi* Thornber & Bonker
- Opuntia arbuscula* Engelm.—Pencil cholla
- Opuntia basilaris* Engelm. & Bigel. var. *aurea* (Baxter) W. T. Marshall—Yellow beavertail
Syn.: *Opuntia aurea* Baxter
- Opuntia basilaris* Engelm. & Bigel. var. *basilaris*—Beavertail cactus
- Opuntia basilaris* Engelm. & Bigel. var. *longiareolata* (Clover & Jotter) L. Benson
- Opuntia basilaris* Engelm. & Bigel. var. *treleasei* (Coulter) Toumey
- Opuntia bigelovii* Engelm.—Teddy-bear cholla
- Opuntia campii* ined.
- Opuntia canada* Griffiths (*O. phaeacantha* Engelm. var. *laevis* X *major* and *O. gilvescens* Griffiths).
- Opuntia chlorotica* Engelm. & Bigel.—Pancake prickly-pear
- Opuntia clavata* Engelm.—Club cholla
- Opuntia curvospina* Griffiths
- Opuntia echinocarpa* Engelm. & Bigel—Silver cholla
- Opuntia emoryi* Engelm.—Devil cholla
Syn.: *Opuntia stanleyi* Engelm. ex B. D. Jackson var. *stanleyi*
- Opuntia engelmannii* Salm-Dyck ex Engelm. var. *engelmannii*—Engelmann's prickly-pear
Syn.: *Opuntia phaeacantha* Engelm. var. *discata* (Griffiths) Benson & Walkington
- Opuntia engelmannii* Salm-Dyck ex Engelm. var. *flavospina* (L. Benson) Parfitt & Pinkava
Syn.: *Opuntia phaeacantha* Engelm. var. *flavispina* L. Benson
- Opuntia erinacea* Engelm. & Bigel. var. *erinacea*—Mohave prickly-pear
- Opuntia erinacea* Engelm. & Bigel. var. *hystricina* (Engelm. & Bigel.) L. Benson
Syn.: *Opuntia hystricina* Engelm. & Bigel.
- Opuntia erinacea* Engelm. & Bigel. var. *ursina* (Weber) Parish—Grizzly bear prickly-pear
Syn.: *Opuntia ursina* Weber
- Opuntia erinacea* Engelm. & Bigel. var. *utahensis* (Engelm.) L. Benson
Syn.: *Opuntia rhodantha* Schum.
- Opuntia fragilis* Nutt. var. *brachyarthra* (Engelm. & Bigel.) Coulter
- Opuntia fragilis* Nutt. var. *fragilis*—Little prickly-pear
- Opuntia fulgida* Engelm. var. *fulgida*—Jumping chain-fruit cholla
- Opuntia fulgida* Engelm. var. *mammillata* (Schott) Coulter
- Opuntia imbricata* (Haw.) DC.—Tree cholla

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Opuntia X kelvinensis V. & K. Grant pro sp.

Syn.: *Opuntia kelvinensis* V. & K. Grant

Opuntia kleiniae DC. var. *tetracantha* (Toumey) W. T. Marshall

Syn.: *Opuntia tetrancistra* Toumey

Opuntia kunzei Rose.

Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *kunzei* (Rose) L. Benson; *Opuntia kunzei* Rose var. *wrightiana* (E. M. Baxter) Peebles; *Opuntia wrightiana* E. M. Baxter

Opuntia leptocaulis DC.—Desert Christmas cactus, Pencil cholla

Opuntia littoralis (Engelm.) Cockl. var. *vaseyi* (Coul.) Benson & Walkington

Opuntia macrocentra Engelm.—Purple prickly-pear

Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *macrocentra* (Engelm.) L. Benson; *Opuntia violacea* Engelm. ex B. D. Jackson var. *violacea*

Opuntia macrorhiza Engelm. var. *macrorhiza*—Plains prickly-pear

Syn.: *Opuntia plumbea* Rose

Opuntia macrorhiza Engelm. var. *pottsii* (Salm-Dyck) L. Benson

Opuntia martiniana (L. Benson) Parfitt

Syn.: *Opuntia littoralis* (Engelm.) Cockerell var. *martiniana* (L. Benson) L. Benson; *Opuntia macrocentra* Engelm. var. *martiniana* L. Benson

Opuntia nicholii L. Benson—Navajo Bridge prickly-pear

Opuntia parishii Orcutt.

Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *parishii* (Orcutt) L. Benson

Opuntia phaeacantha Engelm. var. *laevis* (Coul.) L. Benson

Syn.: *Opuntia laevis* Coul.

Opuntia phaeacantha Engelm. var. *major* Engelm.

Opuntia phaeacantha Engelm. var. *phaeacantha*

Opuntia phaeacantha Engelm. var. *superbospina* (Griffiths) L. Benson

Opuntia polyacantha Haw. var. *juniperina* (Engelm.) L. Benson

Opuntia polyacantha Haw. var. *rufispina* (Engelm.) L. Benson

Opuntia polyacantha Haw. var. *trichophora* (Engelm. & Bigel.) L. Benson

Opuntia pulchella Engelm.—Sand cholla

Opuntia ramosissima Engelm.—Diamond cholla

Opuntia santa-rita (Griffiths & Hare) Rose—Santa Rita prickly-pear

Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *santa-rita* (Griffiths & Hare) L. Benson

Opuntia spinosior (Engelm.) Toumey—Cane cholla

Opuntia versicolor Engelm.—Staghorn cholla

Opuntia vivipara Engelm.

Opuntia whipplei Engelm. & Bigel. var. *multigeniculata* (Clokey) L. Benson

Opuntia whipplei Engelm. & Bigel. var. *whipplei*—Whipple cholla

Opuntia wigginsii L. Benson

Pediocactus papyracanthus (Engelm.) L. Benson Grama grass cactus

Syn.: *Toumeya papyracanthus* (Engelm.) Britt. & Rose

Pediocactus simpsonii (Engelm.) Britt & Rose var. *simpsonii*

Peniocereus greggii (Engelm.) Britt. & Rose var. *greggii*—Night-blooming cereus

Syn.: *Cereus greggii* Engelm.

Peniocereus greggii (Engelm.) Britt & Rose var. *transmontanus*—Queen-of-the-Night

Peniocereus striatus (Brandegee) Buxbaum.

Syn.: *Neoevansia striata* (Brandegee) Sanchez-Mejorada; *Cereus striatus* Brandegee; *Wilcoxia diguetii* (Webber) Peebles

Sclerocactus parviflorus Clover & Jotter var. *intermedius* (Peebles) Woodruff & L. Benson

Syn.: *Sclerocactus intermedius* Peebles

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Sclerocactus parviflorus Clover & Jotter var. *parviflorus*

Syn.: *Sclerocactus whipplei* (Engelm. & Bigel.) Britt. & Rose var. *roseus* (Clover) L. Benson

Sclerocactus pubispinus (Engelm.) L. Peebles

Sclerocactus spinosior (Engelm.) Woodruff & L. Benson

Syn.: *Sclerocactus pubispinus* (Engelm.) L. Benson var. *sileri* L. Benson

Sclerocactus whipplei (Engelm. & Bigel.) Britt. & Rose

Stenocereus thurberi (Engelm.) F. Buxbaum—Organ pipe cactus

Syn.: *Cereus thurberi* Engelm.; *Lemairocereus thurberi* (Engelm.) Britt. & Rose

CAMPANULACEAE Bellflower Family

Lobelia cardinalis L. ssp. *graminea* (Lam.) McVaugh—Cardinal flower

Lobelia fenestrata Cav.—Leafy lobelia

Lobelia laxiflora H. B. K. var. *angustifolia* A. DC.

CAPPARACEAE Cappar Family [=Capparidaceae]

Cleome multicaulis DC.—Playa spiderflower

CHENOPodiACEAE Goosefoot Family

Atriplex hymenelytra (Torr.) Wats.

CRASSULACEAE Stonecrop Family

Dudleya arizonica (Nutt.) Britt. & Rose

Syn.: *Echeveria pulverulenta* Nutt. ssp. *arizonica* (Rose) Clokey

Dudleya saxosa (M.E. Jones) Britt. & Rose ssp. *collomiae* (Rose) Moran

Syn.: *Echeveria collomiae* (Rose) Kearney & Peebles

Graptopetalum bartramii Rose

Syn.: *Echevaria bartramii* (Rose) K. & P.

Graptopetalum bartramii Rose—Bartram's stonecrop, Bartram's live-forever

Syn.: *Echeveria bartramii* (Rose) Kearney & Peebles

Graptopetalum rusbyi (Greene) Rose

Syn.: *Echeveria rusbyi* (Greene) Nels. & Macbr.

Sedum cockerellii Britt.

Sedum griffithsii Rose

Sedum lanceolatum Torr.

Syn.: *Sedum stenopetalum* Pursh

Sedum rhodanthum Gray

Sedum stelliforme Wats.

CROSSOSOMATACEAE Crossosoma Family

Apacheria chiricahuensis C. T. Mason—Chiricahua rock flower

CUCURBITACEAE Gourd Family

Tumamoca macdougalii Rose—Tumamoc globeberry

EUPHORBIACEAE Spurge Family

Euphorbia plummerae Wats.—Woodland spurge

Sapium biloculare (Wats.) Pax—Mexican jumping-bean

FABACEAE Pea Family [=Leguminosae]

Astragalus corbrensis Gray var. *maguirei* Kearney

Astragalus cremophylax Barneby var. *myriorraphis* Barneby—Cliff milk-vetch

Astragalus hypoxylus Wats.—Huachuca milk-vetch

Astragalus nutriosensis Sanderson—Nutrioso milk-vetch

Astragalus xiphoides (Barneby) Barneby—Gladiator milk-vetch

Cercis occidentalis Torr.—California redbud

Errazurizia rotundata (Woot.) Barneby

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- Syn.: *Parryella rotundata* Woot.
Lysiloma microphylla Benth. var. *thornberi* (Britt. & Rose) Isely—Feather bush
Syn.: *Lysiloma thornberi* Britt. & Rose
Phaseolus supinus Wiggins & Rollins
- FOUQUIERIACEAE Ocotillo Family
Fouquieria splendens Engelm.—Ocotillo, coach-whip, monkey-tail
- GENTIANACEAE Gentian Family
Gentianella wislizenii (Engelm.) J. Gillett
Syn.: *Gentiana wislizenii* Engelm.
- LAMIACEAE Mint Family
Hedeoma diffusum Green—Flagstaff pennyroyal
Salvia dorrii ssp. *mearnsii*
Trichostema micranthum Gray
- LILIACEAE Lily Family
Allium acuminatum Hook.
Allium bigelovii Wats.
Allium biseptatum Wats. var. *palmeri* (Wats.) Cronq.
Syn.: *Allium palmeri* Wats.
Allium cernuum Roth. var. *neomexicanum* (Rydb.) Macbr.—Nodding onion
Allium cernuum Roth. var. *obtusum* Ckll.
Allium geyeri Wats. var. *geyeri*
Allium geyeri Wats. var. *tenerum* Jones
Allium kunthii Don
Allium macropetalum Rydb.
Allium nevadense Wats. var. *cristatum* (Wats.) Ownbey
Allium nevadense Wats. var. *nevadense*
Allium parishii Wats.
Allium plummerae Wats.
Allium rhizomatum Woot. & Standl. Incl.: *Allium glandulosum* Link & Otto sensu Kearney & Peebles
Androstephium breviflorum Wats.—Funnel-lily
Calochortus ambiguus (Jones) Ownbey
Calochortus aureus Wats.
Syn.: *Calochortus nuttallii* Torr. & Gray var. *aureus* (Wats.) Ownbey
Calochortus flexuosus Wats.—Straggling mariposa
Calochortus gunnisonii Wats.
Calochortus kennedyi Porter var. *kennedyi*—Desert mariposa
Calochortus kennedyi Porter var. *munzii* Jeps.
Dichelostemma pulchellum (Salisbi) Heller var. *pauciflorum* (Torr.) Hoover
Disporum trachycarpum (Wats.) Benth. & Hook. var. *subglabrum* Kelso
Disporum trachycarpum (Wats.) Benth. & Hook. var. *trachycarpum*
Echeandia flavescens (Schultes & Schultes) Cruden
Syn.: *Anthericum torreyi* Baker
Eremocrinum albomarginatum Jones
Fritillaria atropurpurea Nutt.
Hesperocallis undulata Gray—Ajo lily
Lilium parryi Wats.—Lemon lily
Lilium umbellatum Pursh

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Maianthemum racemosum (L.) Link. ssp. *amplexicaule* (Nutt.) LaFrankie
Syn.: *Smilacina racemosa* (L.) Desf. var. *amplexicaulis* (Nutt.) Wats.

Maianthemum racemosum (L.) Link ssp. *racemosum*—False Solomon's seal
Syn.: *Smilacina racemosa* (L.) Desf. var. *racemosa*; *Smilacina racemosa* (L.) Desf. var. *cylindrata* Fern.

Maianthemum stellatum (L.) Link
Syn.: *Smilacina stellata* (L.) Desf.—Starflower

Milla biflora Cav.—Mexican star

Nothoscordum texanum Jones

Polygonatum cobrense (Woot. & Standl.) Gates

Streptopus amplexifolius (L.) DC.—Twisted stalk

Triteleia lemmoniae (Wats.) Greene

Triteleiopsis palmeri (Wats.) Hoover

Veratrum californicum Durand.—False hellebore

Zephyranthes longifolia Hemsl.—Plains rain lily

Zigadenus elegans Pursh—White camas, alkali-grass

Zigadenus paniculatus (Nutt.) Wats.—Sand-corn

Zigadenus virescens (H. B. K.) Macbr.

MALVACEAE Mallow Family

Abutilon parishii Wats.—Tucson Indian mallow

Abutilon thurberi Gray—Baboquivari Indian mallow

NOLINACEAE Nolina

Dasyliion wheeleri Wats.—Sotol, desert spoon

Nolina bigelovii (Torr.) Wats.—Bigelow's nolina

Nolina microcarpa Wats.—Beargrass, sacahuista

Nolina parryi Wats.—Parry's nolina

Nolina texana Wats. var. *compacta* (Trel.) Johnst.—Bunchgrass

ONAGRACEAE Evening Primrose Family

Camissonia exilis (Raven) Raven

ORCHIDACEAE Orchid Family

Calypso bulbosa (L.) Oakes var. *americana* (R. Br.) Luer

Coeloglossum viride (L.) Hartmann var. *virescens* (Muhl.) Luer
Syn.: *Habenaria viridis* (L.) R. Br. var. *bracteata* (Muhl.) Gray

Corallorrhiza maculata Raf.—Spotted coral root

Corallorrhiza striata Lindl.—Striped coral root

Corallorrhiza wisteriana Conrad—Spring coral root

Epipactis gigantea Douglas ex Hook.—Giant helleborine

Goodyera oblongifolia Raf.

Goodyera repens (L.) R. Br.

Hexalectris spicata (Walt.) Barnhart—Crested coral root

Listera convallarioides (Swartz) Nutt.—Broad-leaved twayblade

Malaxis corymbosa (S. Wats.) Kuntze

Malaxis ehrenbergii (Reichb. f.) Kuntze

Malaxis macrostachya (Lexarza) Kuntze—Mountain malaxia

Syn.: *Malaxis soulei* L. O. Williams

Malaxis tenuis (S. Wats.) Ames

Platanthera hyperborea (L.) Lindley var. *gracilis* (Lindley) Luer

Syn.: *Habenaria sparsiflora* Wats. var. *laxiflora* (Rydb.) Correll

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Platanthera hyperborea (L.) Lindley var. *hyperborea*—Northern green orchid
Syn.: *Habenaria hyperborea* (L.) R. Br.

Platanthera limosa Lindl.—Thurber's bog orchid
Syn.: *Habenaria limosa* (Lindley) Hemsley

Platanthera sparsiflora (Wats.) Schlechter var. *ensifolia* (Rydb.) Luer

Platanthera sparsiflora (Wats.) var. *laxiflora* (Rydb.) Correll

Platanthera sparsiflora (Wats.) Schlechter var. *sparsiflora*—Sparsely-flowered bog orchid
Syn.: *Habenaria sparsiflora* Wats.

Platanthera stricta Lindl.—Slender bog orchid
Syn.: *Habenaria saccata* Greene; *Platanthera saccata* (Greene) Hulten

Platanthera viridis (L.) R. Br. var. *bracteata* (Muhl.) Gray—Long-bracted habenaria

Spiranthes michauxiana (La Llave & Lex.) Hemsley

Spiranthes parasitica A. Rich. & Gal.

Spiranthes romanzoffiana Cham.—Hooded ladies tresses

PAPAVERACEAE Poppy Family

Arctomecon californica Torr. & Frém.—Golden-bear poppy, Yellow-flowered desert poppy

PINACEAE Pine Family

Pinus aristata Engelm.—Bristlecone pine

POLYGONACEAE Buckwheat Family

Eriogonum apachense Reveal

Eriogonum capillare Small

Eriogonum mortonianum Reveal—Morton's buckwheat

Eriogonum ripleyi J. T. Howell—Ripley's wild buckwheat, Frazier's Well buckwheat

Eriogonum thompsonae Wats. var. *atwoodii* Reveal—Atwood's buckwheat

PORTULACEAE Purslane Family

Talinum humile Greene—Pinos Altos flame flower

Talinum marginatum Greene

Talinum validulum Greene—Tusayan flame flower

PRIMULACEAE Primrose Family

Dodecatheon alpinum (Gray) Greene ssp. *majus* H. J. Thompson

Dodecatheon dentatum Hook. ssp. *ellisiae* (Standl.) H. J. Thompson

Dodecatheon pulchellum (Raf.) Merrill

Primula hunnewellii Fern.

Primula rusbyi Greene

Primula specuicola Rydb.

RANUNCULACEAE Buttercup Family

Aquilegia caerulea James ssp. *pinetorum* (Tidest.) Payson—Rocky Mountain Columbine

Aquilegia chrysantha Gray

Aquilegia desertorum (Jones) Ckll.—Desert columbine, Mogollon columbine

Aquilegia elegantula Greene

Aquilegia longissima Gray—Long Spur Columbine

Aquilegia micrantha Eastw.

Aquilegia triternata Payson

ROSACEAE Rose Family

Rosa stellata Woot.—ssp. *abyssa* A. Phillips Grand Canyon rose

Vauquelinia californica (Torr.) Sarg. ssp. *pauciflora* (Standl.) Hess & Henrickson—Few-flowered Arizona

rosewood

SCROPHULARIACEAE Figwort Family

Castilleja mogollonica Pennell

Penstemon albomarginatus Jones

Penstemon bicolor (Brandeg.) Clokey & Keck ssp. *roseus* Clokey & Keck

Penstemon clutei A. Nels.

Penstemon distans N. Holmgren—Mt. Trumbull beardtongue

Penstemon linarioides spp. maguirei

SIMAROUBACEAE Simarouba Family

Castela emoryi (Gray) Moran & Felger—Crucifixion thorn

Syn.: *Holacantha emoryi* Gray

STERCULIACEAE Cacao Family

Fremontodendron californicum (Torr.) Coville—Flannel bush

- C. ~~Salvage Assessed Protected Native Plants. The following list includes those species of native plants that are not included in either the highly safeguarded or salvage restricted category but have a sufficient value if salvaged to support the cost of salvage. Salvage assessed native plants as prescribed in A.R.S. § 3-903(B)(3) that require a permit for removal:~~

BIGNONIACEAE Bignonia Family

Chilopsis linearis (Cav.) Sweet var. *arcuata* Fosberg—Desert-willow

Chilopsis linearis (Cav.) Sweet var. *glutinosa* (Engelm.) Fosberg

FABACEAE Pea Family [=Leguminosae]

Cercidium floridum Benth.—Blue palo verde

Cercidium microphyllum (Torr.) Rose & Johnst.—Foothill palo verde

Olneya tesota Gray—Desert ironwood

Prosopis glandulosa Torr. var. *glandulosa*—Honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckll.

Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst.—Western honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson

Prosopis pubescens Benth.—Screwbean mesquite

Prosopis velutina Woot.—Velvet mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.

Psorothamnus spinosus (Gray) Barneby—Smoke tree.

Syn.: *Dalea spinosa* Gray

- D. ~~Harvest Restricted Protected Native Plants. The following list includes those species of native plants that are not included in the highly safeguarded category but are subject to excessive harvesting or overcutting because of their intrinsic value. Harvest restricted native plants as prescribed at A.R.S. § 3-903(B)(4) that requires a permit to remove a native plant, the by-product, fiber, or woody part of the plant:~~

AGAVACEAE Agave Family (including Nolinaceae)

Nolina bigelovii (Torr.) Wats.—Bigelow's nolina

Nolina microcarpa Wats.—Beargrass, sacahuista

Nolina parryi Wats.—Parry's nolina

Nolina texana Wats. var. *compacta* (Trel.) Johnst.—Bunchgrass

Yucca baccata Torr. var. *baccata*—Banana yucca

Yucca schidigera Roezl.—Mohave yucca, Spanish dagger

FABACEAE Pea Family [=Leguminosae]

Olneya tesota Gray—Desert ironwood

Prosopis glandulosa Torr. var. *glandulosa*—Honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckll.

Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst.—Western honey mesquite

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Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson
Prosopis pubescens Benth.–Screwbean mesquite
Prosopis velutina Woot.–Velvet mesquite
Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.